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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No **2010-246**

11 **MAHA M. GHARIBEH REED, A.K.A.**  
12 **MAHA GHARIBEH REED, A.K.A.**  
13 **MAHA M. GHARIBEH**  
2103 B Huntington Lane  
Redondo Beach, CA 90278  
14 Registered Nurse License No. 513354  
Nurse Practitioner Certification Advanced  
15 Certificate No. 10354  
Nurse Practitioner Furnishing Number  
16 Advanced Certificate No. 10354

**ACCUSATION**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed, RN ("Complainant") brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
23 Department of Consumer Affairs.

24 **Registered Nurse License**

25 2. On or about July 27, 1995, the Board issued Registered Nurse License Number  
26 513354 to Maha M. Gharibeh Reed, also known as Maha Gharibeh Reed, and Maha M. Gharibeh  
27 ("Respondent"). The registered nurse license was in full force and effect at all times relevant to  
28 the charges brought herein and will expire on December 31, 2010, unless renewed.

1           **Nurse Practitioner Certificate**

2           3.     On or about October 22, 1998, the Board issued Nurse Practitioner Certification  
3     Number 10354 to Respondent. The nurse practitioner certificate was in full force and effect at all  
4     times relevant to the charges brought herein and will expire on December 31, 2010, unless  
5     renewed.

6           **Nurse Practitioner Furnishing Certificate**

7           4.     On or about June 3, 1999, the Board issued Nurse Practitioner Furnishing Certificate  
8     Number 10354 to Respondent. The nurse practitioner furnishing certificate was in full force and  
9     effect at all times relevant to the charges brought herein and will expire on December 31, 2010,  
10    unless renewed.

11                           **STATUTORY PROVISIONS**

12          5.     Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
13    part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
14    inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of  
15    the Nursing Practice Act.

16          6.     Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
17    deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
18    to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
19    (b), the Board may renew an expired license at any time within eight years after the expiration.

20          7.     Code section 118, subdivision (b), provides that the  
21    suspension/expiration/surrender/cancellation of a license shall not deprive the Board of  
22    jurisdiction to proceed with a disciplinary action during the period within which the license may  
23    be renewed, restored, reissued or reinstated.

24          8.     Code section 2761 states, in pertinent part:

25                   The board may take disciplinary action against a certified or licensed  
26    nurse or deny an application for a certificate or license for any of the following:

27                   (a) Unprofessional conduct, which includes, but is not limited to, the  
28    following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

9. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

### **REGULATORY PROVISIONS**

10. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

11. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

### **COST RECOVERY**

12. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **BACKGROUND**

13. M.T., a post colonoscopy patient, reported to the Antelope Valley Hospital Emergency Department on December 6, 2002, complaining of abdominal pain, nausea and vomiting. Respondent, who is licensed as a nurse practitioner, conducted a history and performed a physical examination of M.T. Respondent also ordered a chest x-ray and various blood work. Sometime later, Respondent discharged M.T. without M.T. seeing a physician. M.T. contacted

1 her physician two days later still having the same symptoms. Subsequently, M.T. underwent  
2 surgery to repair a perforated bowel.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 14. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1),  
6 on the grounds of unprofessional conduct, in that on or about December 6, 2002, while on duty as  
7 a nurse practitioner at Antelope Valley Hospital, Lancaster, California, Respondent committed  
8 acts constituting gross negligence, as defined in California Code of Regulations, title 16, section  
9 1442, as follows:

10 a. Respondent prescribed the controlled substance Demerol to patient M.T., two times,  
11 in violation of hospital policies and procedures. Further, Demerol is not listed in the medication  
12 formulary for nurse practitioners.

13 b. Respondent failed to immediately transfer the care of patient M.T. to the emergency  
14 department physician following Respondent's assessment of M.T. Pursuant to hospital policies  
15 and procedures in place at that time, Respondent was not authorized to provide sole care and  
16 discharge of a patient with severe abdominal pain, nausea and vomiting.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Incompetence)**

19 15. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1),  
20 on the grounds of unprofessional conduct, in that on or about December 6, 2002, while on duty as  
21 a nurse practitioner at Antelope Valley Hospital, Lancaster, California, Respondent committed  
22 acts constituting incompetence, as defined in California Code of Regulations, title 16, section  
23 1443, as follows:

24 a. When Respondent became aware that M.T., had undergone a colonoscopy procedure  
25 less than 24 hours prior to presentation at the emergency department, Respondent should have  
26 contacted the physician who performed the colonoscopy on patient M.T.; however, Respondent  
27 failed to do so.

1           b.     Respondent failed to order an abdominal CT scan to rule out perforation of the bowel  
2 secondary to a known biopsy procedure less than 24 hours prior to presentation at the emergency  
3 department.

4           c.     Respondent failed to insure that the emergency department physician examined M.T.  
5 prior to discharging M.T.

6           d.     Respondent discharged M.T., with a prescription of the controlled substance,  
7 Vicodin, #30. Prescribing 30 Vicodin was excessive in light of the fact that Respondent advised  
8 M.T. to seek the attention of her physician within 12 to 24 hours after leaving the emergency  
9 department.

### 10                                   **THIRD CAUSE FOR DISCIPLINE**

#### 11                                   **(Unprofessional Conduct)**

12           16.    Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
13 the grounds of unprofessional conduct, as more particularly set forth in paragraphs 14 and 15,  
14 above.

### 15                                   **PRAYER**

16           WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18           1.     Revoking or suspending Registered Nurse License Number 513354, issued to Maha  
19 M. Gharibeh Reed, also known as Maha Gharibeh Reed and Maha M. Gharibeh;

20           2.     Revoking or suspending Nurse Practitioner Certification Advanced Certificate,  
21 Number 10354, issued to Maha M. Gharibeh Reed, also known as Maha Gharibeh Reed and  
22 Maha M. Gharibeh;

23           3.     Revoking or suspending Nurse Practitioner Furnishing Number Advanced Certificate  
24 Number 10354, issued to Maha M. Gharibeh Reed, also known as Maha Gharibeh Reed and  
25 Maha M. Gharibeh;

26     ///

27     ///


28     ///

1           4.     Ordering Maha M. Gharibeh Reed, also known as Maha Gharibeh Reed and Maha M.  
2 Gharibeh to pay the Board of Registered Nursing the reasonable costs of the investigation and  
3 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

4           5.     Taking such other and further action as deemed necessary and proper.

5  
6 DATED: \_\_\_\_\_

11/3/09



LOUISE R. BAILEY, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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